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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2011-12**

12 **SAMIR KUMAR SHUKLA**
9166 Madison Green Lane, #55
13 Orangevale, CA 95662

A C C U S A T I O N

14 Registered Nurse License No. 599725

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing (Board),
21 Department of Consumer Affairs.

22 **Registered Nurse License**

23 2. On or about May 28, 2002, the Board issued Registered Nurse License Number
24 599725 to Samir Kumar Shukla (Respondent). The registered nurse license was in full force and
25 effect at all times relevant to the charges brought herein and will expire on May 31, 2012, unless
26 renewed.

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STATUTORY PROVISIONS

3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct...,

6. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician or surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

DRUG

7. "Cocaine" is a Schedule II controlled substance within the meaning of Health and Safety Code section 11055, subdivision (b)(6).

COST RECOVERY

8. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case.

3 **BACKGROUND**

4 9. On or about February 17, 2009, Respondent entered a six-day detox program at Clean
5 and Sober Detox for admitted Cocaine and alcohol abuse. Immediately following his stay at
6 Clean and Sober Detox, Respondent entered a 28-day inpatient stay at St. Helena Hospital. On or
7 about March 23, 2009, Respondent self-referred to the Maximus Diversion Program and reported
8 using illegal drugs for approximately 8 years prior to March 23, 2009. On or about April 30,
9 2009, Respondent tested positive for Cocaine. Respondent was terminated from the Maximus
10 Program on October 30, 2009, following Respondent's admission that he had also relapsed in
11 September 2009, and on October 26, 2009.

12 **FIRST CAUSE FOR DISCIPLINE**

13 **(Self-Administer the Controlled Substance Cocaine)**

14 10. Respondent's license is subject to disciplinary action pursuant to Code section 2761,
15 subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762,
16 subdivision (a), in that on or about April 30, 2009, in or about September 2009, and on or about
17 October 26, 2009, Respondent self-administered the controlled substance Cocaine.

18 **SECOND CAUSE FOR DISCIPLINE**

19 **(Use the Controlled Substance Cocaine to an Extent**
20 **or in a Manner Dangerous or Injurious)**

21 11. Respondent's license is subject to disciplinary action pursuant to Code section 2761,
22 subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762,
23 subdivision (b), in that on or about April 30, 2009, in or about September 2009, and on or about
24 October 26, 2009, used the controlled substance Cocaine in a manner dangerous or injurious to
25 himself or others.

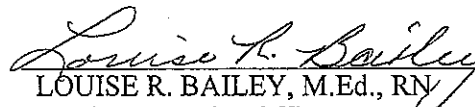
26 **PRAYER**

27 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
28 and that following the hearing, the Board of Registered Nursing issue a decision:

- 1 1. Revoking or suspending Registered Nurse License Number 599725, issued to Samir
2 Kumar Shukla;
3 2. Ordering Samir Kumar Shukla to pay the Board of Registered Nursing the reasonable
4 costs of the investigation and enforcement of this case, pursuant to Business and Professions
5 Code section 125.3; and,
6 3. Taking such other and further action as deemed necessary and proper.
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10 DATED: _____

7/6/10


LOUISE R. BAILEY, M.Ed., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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